

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAMES JOSEPH JULUKE, JR.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:14-CV-393-N
	§	
SIMON PROPERTY GROUP (TEXAS),	§	
L.P., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

This Order addresses Defendant Macy’s Retail Holdings, Inc.’s (“Macy’s”) response and objection to the stipulation of dismissal of Defendant Simon Property Group (Texas), L.P. (“Simon”) [Doc. 20]. The Court agrees that the stipulation violates Federal Rule of Civil Procedure 41 and vacates the dismissal.

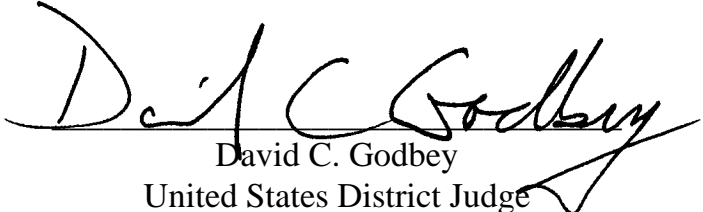
Pursuant to Rule 41, a plaintiff may voluntarily dismiss a defendant without a court order by filing “a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A)(ii).<sup>1</sup> Plaintiff James Joseph Juluke, Jr.’s stipulation of dismissal of Simon was signed only by Juluke and Simon – not Macy’s – and thus does not satisfy the requirements of Rule 41. *See* Stipulation of Dismissal [15]. The Court considers the stipulation ineffective and vacates the dismissal. Should Juluke seek to dismiss Simon from

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<sup>1</sup>A plaintiff may do so without the signatures of the other parties before the opposing parties answer the complaint or file a motion for summary judgment. FED. R. CIV. P. 41(a)(1)(A)(i). As Macy’s has answered the complaint, however, that option is not available to the plaintiff here.

the case, he must either file a stipulation of dismissal signed by all of the parties or submit a motion to the Court.

Signed July 22, 2014.

  
David C. Godbey  
United States District Judge